

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

DENNIS L. BAZE,

Petitioner,

v.

MAX WILLIAMS, et al.,

Respondent.

No. CV04-224-JE

ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATION

FILED '06 AUG 23 11:30 USDC-ORP

MOSMAN, J.,

On June 12, 2006, Magistrate Judge Jelderks issued Findings and Recommendation ("F&R") (#46) in the above-captioned case recommending that petitioner's Petition for Writ of Habeas Corpus (#2) be denied. On June 22, 2006, petitioner filed objections (#47) to the F&R. On June 28, 2006, respondent filed a response (#48) to petitioner's objections.

In conducting my review of the F&R, I apply the following standard. The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny

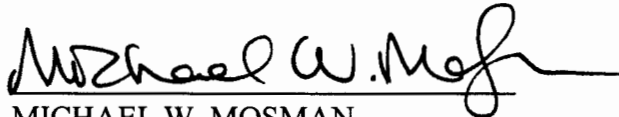
under which I am required to review the F&R depends on whether or not objections have been filed, in either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

After reviewing the F&R, objections, and relevant pleadings, the court agrees with Judge Jelderks' recommendation to deny petitioner's Petition for Writ of Habeas Corpus (#2).

Accordingly, the court ADOPTS the F&R without modification.

IT IS SO ORDERED.

DATED this 21 day of August, 2006.


MICHAEL W. MOSMAN
United States District Court